

Interim Decision #2112

MATTER OF A—

In Visa Petition Proceedings

A-18349097

*Decided by Board December 13, 1971*

Under the law of Michigan (section 551.51, Compiled Laws, 1948, and section 551.202 of the Compiled Laws, as amended June 30, 1967), the marriage in that State of a female under the age of consent (16) performed by a probate judge, as in the instant case, is valid where application for a marriage license was made to a probate judge, "under oath, containing a statement that she is with child, . . . or has lived with a man and has been considered as his wife, or for other good reason," and such application was accompanied by the written request of the parent or guardian of such female under marriageable age.

ON BEHALF OF PETITIONER: Arpo Yemen, Esquire  
7527 Lafayette Street  
Dearborn Heights, Michigan 48127

The petitioner, a native of Jordan, was admitted to the United States for permanent residence at the port of New York on March 24, 1968. She appeals from an order of the District Director at Detroit, Michigan, dated October 12, 1971, denying her petition for second preference classification of the beneficiary, a native of Jerusalem. Exceptions have been taken to the District Director's finding that the petitioner's marriage to the beneficiary is invalid under the laws of Michigan.

The petitioner married the beneficiary at Detroit, Michigan on August 31, 1971. She attained the age of 15 years on September 12, 1971. Section 551.51, Compiled Laws of Michigan, 1948, provides in substance that the marriage of a female under the age of consent, 16 years, is void; also see section 25.51, Michigan Statutes Annotated. Section 551.51, *supra*, has a proviso which permits a probate judge of any county of the State of Michigan to perform a marriage under the conditions set forth in section 551.202 of the Compiled Laws of Michigan, as amended June 30, 1967, Public Act No. 175, where one or both of the parties are under the age of consent.